

Assembly Joint Resolution

No. 26

Introduced by Assembly Member Allen

June 13, 2013

Assembly Joint Resolution No. 26—Relative to the protection of civil liberties.

LEGISLATIVE COUNSEL’S DIGEST

AJR 26, as introduced, Allen. Civil liberties.

This measure would urge Congress and the President of the United States to make the protection of civil liberties and national security equal priorities, to immediately discontinue any practices contrary to the Fourth Amendment to the United States Constitution, and to instruct national security agencies to ensure that national security is achieved without invasive violations of civil liberties.

Fiscal committee: no.

1 WHEREAS, The United States of America was founded on the
2 principles of protecting individual liberties and inalienable rights
3 of people from infringement by oppressive government; and
4 WHEREAS, The Fourth Amendment to the United States
5 Constitution states, “The right of the people to be secure in their
6 persons, houses, papers, and effects, against unreasonable searches
7 and seizures, shall not be violated, and no Warrants shall issue,
8 but upon probable cause, supported by Oath or affirmation, and
9 particularly describing the place to be searched, and the persons
10 or things to be seized”; and

1 WHEREAS, Public safety, national security, and the protection
2 of civil liberties are of the utmost importance and highest priority
3 of government; and

4 WHEREAS, Civil liberties and personal privacy must remain
5 secure and protected, and should not be abridged to pursue
6 politically or bureaucratically desired initiatives without oversight
7 and public knowledge; and

8 WHEREAS, In recent weeks, there have been news reports
9 regarding an ever-pervasive and ever-expansive government
10 intrusion into the lives of innocent Americans; and

11 WHEREAS, The National Security Administration has allegedly
12 been operating a clandestine surveillance program that mined user
13 data transmitted through the servers of nine major Internet entities
14 for over a decade; and

15 WHEREAS, A mass collection and storage of the Internet, email,
16 and telephone records of innocent American citizens, as alleged,
17 would be contrary to the Fourth Amendment to the United States
18 Constitution and a violation of the civil rights of all Americans;
19 and

20 WHEREAS, The potential justification for mass data collection
21 as increasing national security and thwarting terrorists should not
22 take precedence over the United States Constitution and the
23 protection of the civil liberties of American citizens; and

24 WHEREAS, It is incumbent on our offices to lead by example
25 in the protection of Americans so as to steer the actions of
26 government agencies down a path that holds the citizens and their
27 conscience in the highest regard; and

28 WHEREAS, A democratic society is based on a social contract
29 entered into by two parties that must equally trust in the other, and
30 it is incumbent upon our government as one of these parties to live
31 up to our highest ideals; and

32 WHEREAS, James Madison once noted, “Since the general
33 civilization of mankind, I believe there are more instances of the
34 abridgement of the freedom of the people by gradual and silent
35 encroachments of those in power than by violent and sudden
36 usurpations”; and

37 WHEREAS, Henry David Thoreau once wrote, “There will
38 never be a really free and enlightened state until the state comes
39 to recognize the individual as a higher and independent power,

1 from which all its own power and authority are derived, and treats
2 him accordingly”; and

3 WHEREAS, In today’s modern, technologically advanced
4 society, the personal information of the citizenry can be easily
5 obtained and cataloged, and it is therefore incumbent on everyone
6 to be constantly vigilant in the protection of our civil liberties; and

7 WHEREAS, It is of the utmost importance that governance be
8 done transparently with the highest emphasis on integrity and the
9 appropriate establishment of checks and balances; and

10 WHEREAS, Our first President, George Washington, once may
11 have said, in a quote often attributed to him, “Government is not
12 reason, it is not eloquence, it is force; like fire, a troublesome
13 servant and a fearful master. Never for a moment should it be left
14 to irresponsible action”; now, therefore, be it

15 *Resolved by the Assembly and the Senate of the State of*
16 *California, jointly*, That the Legislature of the State of California
17 urges Congress and the President of the United States to make the
18 protection of civil liberties and national security equal priorities,
19 to immediately discontinue any practices that are contrary to the
20 Fourth Amendment to the United States Constitution, and to
21 instruct our national security agencies to ensure that national
22 security will be achieved without invasive violations of civil
23 liberties; and be it further

24 *Resolved*, That this is not a partisan issue, but rather a constant
25 concern that has been in the hearts of every American since the
26 creation of our great nation and the ratification of the United States
27 Constitution; and be it further

28 *Resolved*, That the Chief Clerk of the Assembly transmit copies
29 of this resolution to the President and Vice President of the United
30 States, to the Speaker of the House of Representatives, to the
31 Majority Leader of the Senate, to each Senator and Representative
32 from California in the Congress of the United States, and to the
33 author for appropriate distribution.